

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Application No. 09/333,379

Confirmation No. 4050

Applicant: LeRoy G. Hagenbuch

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Examiner: DAY, HERNG DER

Docket No.: 189405

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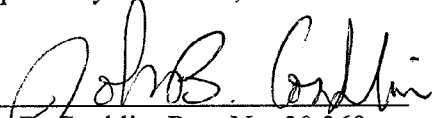
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

COMMENTS ON STATEMENT OF REASON FOR ALLOWANCE

Sir:

The Notice of Allowability mailed April 2, 2008 includes an examiner's reasons for allowance, starting at page 2. The reasons improperly emphasize the use of information taken from "actual load material." The information can be taken from actual load material as stated, but it can also be taken from other material having substantially the same heaping characteristics as the "actual load material." Claim 82 directly speaks to this alternative.

Respectfully submitted,



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